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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CYNTHIA ROENDAHL, Plaintiffs, vs. RAY KLEIN, INC., Defendant.	Case No. 3:20-cv-00128-HZ ANSWER AND AFFIRMATIVE DEFENSES
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Defendant Ray Klein, Inc. answers Plaintiff's Complaint as follows:

RESPONSE TO INTRODUCTION

1. Except as expressly admitted below, Defendant denies each and every allegation of the Complaint.

RESPONSE TO JURISDICTION AND THE PARTIES

2. Defendant admits that this Court has subject matter jurisdiction over alleged claims arising under the Fair Debt Collection Practices Act (FDCPA).
3. Defendant admits that Plaintiff is an individual. Defendant admits that it may fit the definition of a "debt collector" under the "FDCPA" when it engages in certain activities. Defendant admits that it utilizes the mails and files lawsuits to collect debts due by

consumers. Defendant admits it is registered in the state of Oregon as a collection agency. Defendant lacks sufficient information to form a belief as to the truth of the allegation that the debt was incurred by Plaintiff for personal purposes.

RESPONSE TO FACTUAL ALLEGATIONS

4. Defendant admits that it attempted to collect a debt Plaintiff owed to the City of Portland Water Bureau and filed a lawsuit against Plaintiff in Washington County Circuit Court. Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations in paragraph 4.
5. Defendant denies the allegations in paragraph 5.

RESPONSE TO CLAIM FOR RELIEF

6. Defendant denies the allegations in paragraph 6.

RESPONSE TO JURY TRIAL REQUEST

7. Paragraph 7 contains no factual allegations, but to the extent a response is required, Defendant admits that Plaintiff has a right to a trial by jury.

RESPONSE TO PRAYER FOR RELIEF

8. Defendant denies that Plaintiff is entitled to the relief requested in her Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state factual matter sufficient to constitute a claim for relief against Defendant that is plausible on its face.
2. Plaintiff lacks standing because she did not suffer any concrete harm.
3. Any alleged misrepresentations and/or misconduct, if proven, are not material and therefore not actionable under the FDCPA. *See Donohue v. Quick Collect, Inc.*, 592 F.3d 1027 (9th Cir. 2010).
4. To the extent Plaintiff is able to prove a violation of the FDCPA, any such violation resulted from a bona fide, unintentional error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.
5. Any alleged violation of the FDCPA was de minimis, technical, or non-material in nature and does not support a finding of liability or an award of damages or attorney's fees.

6. Any damages were aggravated by Plaintiff's failure to use reasonable diligence to mitigate such damages and, as a result, she is barred from recovering damages from Defendant.
7. Any violation and/or damages resulted from the fault of Plaintiff herself or of others for whom Defendant is not responsible or liable.
8. Defendant, at all times, relied in good faith on the information provided by the original creditor, City of Portland Water Bureau, including (but not limited to) information relating to the amount owed on the delinquent account at issue.

REQUEST FOR RELIEF

Defendant denies that Plaintiff is entitled to the relief requested in her Complaint. Additionally, Defendant requests Judgment in its favor; for dismissal of Plaintiff's claims with prejudice; for its costs and disbursements; and for any further relief that the court decides is proper.

DATED: February 14, 2020

/s/ Wade C. Isbell

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED: February 14, 2020

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